IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 9880 OF 2002

Dated : March 2, 2006

Between:

N.Ramchander Reddy

Petitioner

AND

APSRTC, Rep. by its Managing Director,

Musheerabad, Hyderabad and three others.

Respondents

THE HONOURBALE SRI JUSTICE N.V.RAMANA

W.P. No. 9880 OF 2002

ORAL ORDER:

The award dated 19.11.2001 passed in I.D. No. 79 of 1998 by the

Labour Court – II, Hyderabad, denying back wages, is assailed by the petitioner.

The petitioner joined as Conductor in the Respondent Corporation on 17.9.1969 and was retired premature from service by the third respondent on 31.5.1998 on the premise that his age was recorded as 40 years as on 27.1.1988, even though the petitioner filed age certificate showing his date of birth as 4.5.1948. Therefore, he raised I.D. No. 79 of 1998 and the fourth respondent by the impugned award, allowed the I.D. accepting the date of birth of the petitioner as 4.5.1948 and ordered for reinstatement into service with continuity of service, but, however, did not allow back wages from the date of retirement till the date when the award became enforceable or the date of reinstatement whichever is earlier.

Aggrieved of the same, the present writ petition is filed inter alia contending that since he could not get alternative employment during the period from 1.6.1998 to 6.2.2002, he is entitled to back wages for the said period inasmuch as he was reinstated on 7.2.2002 he also contends that the Tribunal having concluded that the petitioner was premature retired, has erred in not granting back wages.

I have perused the award. Evidently, no reasons are given by the Labour Court in declining the relief of back wages to the petitioner. The learned Standing Counsel for the respondent could not justify the award by substantial defence or Rule of Reason. In such circumstances, the relief sought by the writ petitioner deserves to be allowed. However, the petitioner has not produced any certificate that he was not gainfully employed during the period from 1.6.1998 to 6.2.2002. In such circumstances, the respondent – Corporation is directed to pay half of the back wages to the petitioner for the period from 1.6.1998 to 6.2.2002.

The writ petition is accordingly disposed of. No order as to costs.

N.V.RAMANA, J.

March 2, 2006.